

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

AMERITAS LIFE INSURANCE CORP.)
f/k/a AMERITAS VARIABLE LIFE)
INSURANCE COMPANY and AMERITAS)
INVESTMENT CORP.,)
Plaintiffs,)
v.)
KIRK BROWN,)
Defendant.)

4:08CV3258
MEMORANDUM AND ORDER

Having now reviewed filings [21](#) and [22](#), filed in response to the court's earlier order, I find that plaintiffs have established service upon the defendant. Default will be entered. Because the complaint seeks amounts in addition to the amount pleaded in the complaint, however, the matter of a default judgment must be set for hearing to establish damages, unless the plaintiffs reduce the amount sought to that specified in the complaint.

IT THEREFORE HEREBY IS ORDERED:

1. The clerk shall enter the default of the defendant Kirk Brown.

2. Plaintiffs may move for default judgment in the amount of \$276,727.05, in which case the clerk shall enter such judgment. Alternatively, if the plaintiffs seek additional amounts, they may file a separate motion for default judgment and set the matter for hearing before the assigned district judge to establish the amount thereof.

DATED this 30th day of April, 2009.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge